

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition No. 91154712

Case: ZN 102-TM

Opposer: STATEK CORPORATION

v.

Applicant(s): Dipl.-Ing. Rainer Puls / Dipl.-Ing. Oliver Puls

Trademark Application Serial No.: 76/202322

Mark: STATEC



06-17-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #58

June 14, 2003

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
Mailstop TTAB

Dear Sir:

Following the parties motion for an extension of time to answer dated 5-13-03 until 06-15-03 it is first noted that the motion for an extension of time was agreed to, in fact was suggested by, the opposers attorney, Mr. Jeffrey Van Hoosear, in order to give his client who was at the time out of the country a chance to consider a proposed settlement (the removal of the wording "chronographs for use as specialized time recording apparatuses" from applicants class 9 listing of goods). However, the undersigned has tried to contact Mr. Van Hoosear numerous times within the extension period and was not able to reach Mr. Van Hoosear nor were any of the calls returned. No agreements for a settlement could therefore be reached.

The Opposers allegations are therefore responded to as follows:

Applicants response to the opposers 8 paragraphs of allegations:

1. Applicants accept this statement as correct.
2. Applicants accept this statement as correct.
3. Applicants accept this statement as correct.
4. Applicants accept this statement as correct.
5. Applicants accept this statement as correct.

6. Applicants accept this statement as correct.
7. Opponents statement under par. 7 is not correct in its entirety: First, the opponent has not indicated which goods in Applicants listing in class 9 of goods he finds objectionable. But it is assumed that the opponent objects to "chronographs for use as specialized time recording apparatuses".

The goods listed in STATEK Corporations trademark in International class 009 comprises "electronic timing devices, namely crystals and oscillators".

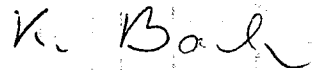
Crystals and oscillators however can certainly not be considered to be the same as, or be confused with, chronographs for use as specialized time recording apparatuses.

Applicant can therefore not accept Opponents statement under par. 7 as correct.

8. Concerning the Opponents allegation that the goods of the respective parties are of such related nature as to cause confusion or to cause mistake or deceive it is asserted that this is certainly not true. As noted under 7 crystals and oscillators can certainly not be considered to be the same or be confused with chronographs for use as specialized time recording apparatuses.

In any case, Applicants have declared their willingness to remove "chronographs for use as specialized time recording apparatuses" from their listing of goods in class 009. Applicants requests the registration of application SN 76/202,322.

Respectfully submitted,



Klaus Bach

KLAUS J. BACH & ASSOCIATES
4407 TWIN OAKS DRIVE
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TEL: 724-327-0664

Copies of the papers are served to Opponents counsel, Mr. Jeffrey Van Hoosear of the firm of Knobbe, Martens, Olson & Bear, 2040 Main Street, 14th floor, Irvine, CA 92614 by priority mail with delivery confirmation No. 0301 0120 0008 0038 1322 mailed on June 14, 2003.



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Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
Mailstop TTAB

June 14, 2003

Dear Sir:

Enclosed herewith is a Applicants response to the opposition filed by STATEC corporation, which has become necessary since the undersigned has not been able - inspite of numerous attempts - to get in contact with the Attorney of the Opponent to reach an amicable solution indicated originally by the Opponents attorney to be possible.

Respectfully submitted,

K. Bach

Klaus Bach

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Certificate of mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as Priority Mail in an envelope addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington VA 22202-3513 on 06/14/03.

Delivery Confirmation No. 0301 0120 0008 0038 1292

K. Bach

Klaus J. Bach